

Supreme Court of Kentucky

ORDER

**IN RE: ORDER APPROVING THE RULES OF PRACTICE AND
PROCEDURE FOR THE 27TH JUDICIAL CIRCUIT COURT,
KNOX AND LAUREL COUNTIES**

Upon recommendation of the Judges of the 27th Judicial Circuit Court,
Knox and Laurel counties, and being otherwise sufficiently advised,

The Rules of Practice and Procedure for the 27th Judicial Circuit Court,
Knox and Laurel counties, are hereby approved. This order shall be effective as
of the date of this Order, and shall remain in effect until further orders of this
court.

Entered this the 28th day of May 2013.


CHIEF JUSTICE JOHN D. MINTON, JR.

**RULES OF PRACTICE AND PROCEDURE
OF THE 27TH JUDICIAL CIRCUIT
KNOX AND LAUREL COUNTIES**

**THE HONORABLE GREGORY A. LAY
DIVISION I**

AND

**THE HONORABLE THOMAS L. JENSEN
DIVISION II**

PRESIDING

(MAY 1, 2013)

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**RULES OF PRACTICE AND PROCEDURE
OF THE 27TH JUDICIAL CIRCUIT
LAUREL AND KNOX COUNTIES**

COURT PERSONNEL

DIVISION I

Circuit Judge	Hon. Gregory A. Lay	Vice Chief Regional Circuit Judge Cumberland Region
Mailing Address	P. O. Box 1209 London, KY 40743	Judge Number 627226
Phone	(606) 330-2147 Laurel (606) 546-3470 Knox	
Fax	(606) 330-2145 Laurel (606) 546-3052 Knox	
Secretary	Deborah Johnson	
Regional Court Administrator Cumberland Region	Doris D. Callebs	
Mailing Address	P. O. Box 1798 London, KY 40743	
Phone	(606)330-2095	
Fax	(606)330-2145	

DIVISION II

Circuit Judge	Hon. Thomas L. Jensen	
Mailing Address	P. O. Box 5189 London, KY 40745	Judge Number 627325
Phone	(606) 330-2135 Laurel (606) 546-5436 Knox	
Fax	(606) 330-2145 Laurel (606) 546-3052 Knox	
Secretary	Trish Leger	

DIVISION III

Family Court Judge	Hon. Durenda L. Lawson	Judge Number 627257
Mailing Address	Laurel Circuit Clerk's Office P. O. Box 1798 London, KY 40743	
	Knox Circuit Clerk's Office P. O. Box 760 Barbourville, KY 40906	
Phone	(606)330-2132 Laurel (606)546-3579 Knox	
Secretary	Angela L. Smith	
Case Specialist	Crystal Williams	
Family Court Mediator	Beth Keck	

MASTER COMMISSIONERS

Knox Mailing Address	Hon. Paul Baker P. O. Box 912 Barbourville, KY 40906
Phone	(606) 546-2780
Fax	(606) 546-6792
Laurel Mailing Address	Hon. Jane Winkler Dyche P. O. Box 5156 London, KY 40745
Phone	(606) 877-2991
Fax	(606) 877-9973

CIRCUIT COURT CLERKS

Knox Circuit Clerk	Greg Helton Circuit Court Clerk
	Knox County Courthouse, 2nd Floor Court Square
Mailing Address	P. O. Box 760 Barbourville, KY 40906
Phone	(606) 546-3075
Fax	(606) 546-7949

Laurel Circuit Clerk	Roger Schott Circuit Court Clerk
	Laurel County Judicial Center 305 S. Main Street, London, KY 40741
Mailing Address	P. O. Box 1798 London, KY 40743
Phone	(606) 330-2079
Fax	(606) 330-2084

RULES OF PRACTICE AND PROCEDURE

OF THE LAUREL AND KNOX CIRCUIT COURTS

RULE 1. CITATION OF RULES

These rules apply to the practice of law in the 27th Judicial Circuit, which consists of Knox and Laurel Counties and may be cited as "Rules of the 27th Judicial Circuit" or "R27JC."

RULE 2. ORGANIZATION OF THE KNOX AND LAUREL CIRCUIT COURTS

A. The Knox and Laurel Circuit Courts shall be composed of a Criminal Branch and Civil Branch. The Criminal Branch shall have exclusive jurisdiction of all criminal cases, and the Civil Branch shall have jurisdiction of all other cases within the jurisdiction of the Circuit Court. There is also a Family Court Division of the Knox and Laurel Circuit Courts, and that Division has promulgated its own local rules of practice and procedure. The rules promulgated herein shall only apply to the Criminal Branch and Civil Branch of the Knox and Laurel Circuit Courts.

B. The Knox and Laurel Circuit Courts are courts of continuous session, and consist of Divisions I and II.

C. The Judge of each Division shall hear cases in both the Criminal Branch and the Civil Branch of the Court.

D. Each Judge of a Division may preside and hear and determine any case or question in the other Division when the Judge of that Division is sick, absent from the county, or is not available.

E. After each case has been assigned to a Division, the Judge thereof may, for any reason, transfer it to the other Division. An order of transfer will be entered and, upon such transfer being made, the Clerk will make a proper endorsement upon the Docket and the record.

F. When two or more cases have been filed that may, as a matter of right or in the discretion of the Court, be consolidated and such actions are pending in different divisions of the Court, any party to any of the actions, or the Court without motion, may have any of the actions transferred to that Division of the Court in which the first of the cases was filed. If it is determined that consolidation is not proper, the Judge of that division may transfer the case back to the original division.

RULE 3. ASSIGNMENT OF CIVIL CASES

A. All general jurisdiction circuit civil cases filed shall be assigned randomly using the Judge Assignment Program.

B. For the purpose of assignment, civil cases include contract, personal injury, products liability, property, District Court Appeals, administrative and state board appeals, non-domestic cases transferred from circuits outside of the 27th Judicial Circuit, and other cases.

C. All domestic relations cases shall be assigned to the Family Court Division of the 27th Judicial Circuit.

RULE 4. ASSIGNMENT OF CRIMINAL CASES

The Clerk shall assign to Division I, all odd numbered criminal cases. The Clerk shall assign to Division II, all even numbered criminal cases. Criminal cases may be disposed of by either judge in either division.

RULE 5. GRAND JURIES

A grand jury shall be impaneled twice yearly for six months for both Divisions in Knox and Laurel Counties. Unless otherwise ordered, the grand jury shall report on the 4th Friday of each month in Knox County and on the 3rd Friday of each month in Laurel County.

RULE 6. CRIMINAL ARRAIGNMENTS

All defendants shall be arraigned in open court on the 4th Friday of each month in Knox County and on the 3rd Friday of each month in Laurel County, unless otherwise ordered.

RULE 7. WITHDRAWAL OF ATTORNEYS IN CRIMINAL CASES

A. An Attorney shall not withdraw from employment after arraignment in a criminal proceeding without permission of the Court. After a case has been assigned for trial, an attorney of record shall not be permitted to withdraw from a criminal case, in the absence of a compelling reason.

B. Retained trial counsel shall secure permission of the Court before withdrawing as counsel for any defendant who seeks to appeal a judgment of conviction. Before permission to withdraw is granted, it shall be the responsibility of retained trial counsel to prepare and file the following:

- (1) Notice of appeal pursuant to RCr 12.04;
- (2) Motion, affidavit, and order for leave to appeal in forma pauperis, if applicable;
- (3) Designation of record on appeal; and,
- (4) An order substituting the Office of Public Advocacy as counsel on appeal, if applicable.

RULE 8. CRIMINAL PROCEEDINGS

A. CRIMINAL DAYS

KNOX

DIVISION I 4TH FRIDAY
9:00 a.m., Grand Jury Call and Returns

10:00 a.m. Criminal Pretrials/Status/Revocations

1:00 p.m., Sentencings

DIVISION II 1ST FRIDAY
1:00 p.m., Criminal Pretrials/Status/Revocations/Sentencings

LAUREL

DIVISION I 4TH MONDAY
9:00 a.m., Criminal Pretrials/Status/Revocations

1:00 p.m., Sentencings

DIVISION II 3RD FRIDAY
9:00 a.m., Grand Jury Call and Returns

10:30 a.m., Criminal Pretrials/Status/Revocations

1:00 p.m., Sentencings

B. At the time of arraignment, each case shall be assigned for a pretrial conference and/or a trial. Participants in the pre-trial conference shall be the Commonwealth Attorney, the defendant, and defendant's attorney.

C. The attorney appearing for the defendant at arraignment shall be in attendance at the pretrial conference and shall submit such written motions, which are expected to be offered in the case.

RULE 9. CIVIL PRETRIAL CONFERENCES AND TRIALS

A. A party desiring assignment of a civil jury trial date shall file a motion for a pre-trial conference.

B. A pretrial conference shall be held as a matter of course in all jury actions, upon the motion of either party, in the Court's discretion, or upon the Court's own motion in any other action.

C. The attorney attending the pretrial conference shall be familiar with the case and shall be prepared and authorized to make such arguments, stipulations, and decisions as may be required.

D. Except for good cause shown, before a case is heard at the pre-trial conference, the parties shall:

- (1) Ensure that the pleadings are completed and the issues identified;
- (2) Have scheduled or completed discovery, including the exchange of medical reports and medical bills, or evidence of special damages as are subject to discovery in personal injury actions;
- (3) Be prepared to stipulate the admissibility of documents or other evidence and to withdraw allegations or defenses if same can be done without prejudice to the presentation of the case.

E. A pretrial order will be entered by the Court setting out the Court's rulings and agreements and/or stipulations of the parties. The Court may require the parties to submit a trial brief consisting of a short memorandum of the facts and law on which they will rely.

RULE 10. MOTIONS IN CIVIL CASES

A. FORM OF MOTION

- (1) Written motions, other than those that may be heard ex parte, and notice of the hearing thereof, shall be filed with the Clerk at least five days before the time specified for the hearing unless a different period is fixed by the Rules of Civil Procedure, any applicable statute, or by Court order.
- (2) Unless otherwise noticed therein, each motion shall be assigned for hearing on the first Motion Day at which it can be lawfully heard under the rules of Civil Procedure, these Rules, or any applicable statute. The notice shall specify the date, time, and place for the hearing.
- (3) All motions going to the merits of the case, including motions to dismiss, motions for summary judgment, motions to strike, and motions under CR 12.02, shall be filed at least 10 days prior to motion hour and accompanied by a brief memorandum of the grounds for the motion with citation of authorities relied upon, but not greater than 25 pages in length. Failure to file a memorandum of grounds with supporting authorities may be grounds for overruling the motion. Any party properly served with a motion accompanied by a memorandum of grounds and authorities shall file a response containing a memorandum of grounds opposing the motion, with citation of supporting authorities, but not greater than 25 pages in length. Such response shall be filed at least 72 hours prior to the time specified in the notice of hearing of the motion. Failure to file a timely response may be grounds for sustaining the motion, but the time for filing a response may be extended upon oral or written motion for good cause shown, including such factors as the length and complexity of the motion and supporting memorandum. Any reply memorandum shall be limited to 5 pages in length and must be filed 24 hours before the hearing.
- (4) Non-jury cases will be assigned for trial only upon motion at the call of the Motion Docket, at which time the Court shall be informed of the probable duration of the trial and any conflicting trial obligations of counsel for the parties.
- (5) A motion to compel discovery, for a protective order, or for sanctions, may be filed pursuant to CR 26 and/or CR 37 only if counsel are unable to resolve between themselves the

discovery dispute. Counsel has the duty to make a good faith effort to resolve any disputes which arise in the course of discovery. The moving party shall attach to the motion a certification of counsel that counsel have conferred and that they have been unable to resolve their differences. The certification should detail the attempts of counsel to resolve the dispute.

B. DOCKETING AND APPEARANCES

(1) The Clerk shall keep a Motion Docket on which will be docketed, in order of receipt, all motions assigned for hearing on each Motion Day, either by Court order or by notice duly served. The Clerk will keep separate dockets for each Division.

(2) Every motion, other than ones which may be heard ex parte, shall appear on the Motion Docket.

(3) The Motion Docket will be called on Motion Day and, unless otherwise ordered, the motions will be heard in the order docketed. When at Motion Day, the case is called, participating counsel shall stand in place, answer the call, and advise the Court if a hearing is necessary in the matter. If a hearing is necessary, the case may be passed to the second call of the docket, at the discretion of the Court, or to such time as the Court may direct.

(4) Any Motion docketed pursuant to paragraph (1) above may be passed only upon agreement of all counsel of record. If any party is unrepresented by counsel, that party must also consent to the Motion being passed.

(5) The Clerk of the Court shall be notified immediately if any motion is to be passed pursuant to paragraph (4) above.

(6) It is the responsibility of the party passing the Motion to secure the consent of ALL other parties of record to pass the motion. Any party or attorney who appears in response to a docketed Motion that was passed who was not notified in conformity herewith may petition the Court for costs and/or sanctions.

C. AGREED ORDERS

(1) If an agreed order, signed by counsel for all parties affected, relating to a motion appearing on the Motion Docket is submitted to the Clerk prior to the call of the Motion Docket, counsel need not attend the call of the Motion Docket. The agreed order shall set forth the basis for the order.

(2) Out-of-Court resolutions of discovery disputes may be effectuated by submitting to the Court an agreed order signed by counsel for all affected parties. No supporting motion is necessary and the matter need not be placed on the Motion Docket.

D. CIVIL MOTION HOURS

KNOX 1ST FRIDAY OF EACH MONTH

DIVISION II 9:00 A.M. JUDGE JENSEN

DIVISION I 10:30 A.M. JUDGE LAY

LAUREL 2ND FRIDAY OF EACH MONTH

DIVISION I 9:00 A.M. JUDGE LAY

DIVISION II 10:30 A.M. JUDGE JENSEN

RULE 11. ENTRY OF ORDERS AND JUDGMENTS

A. Proposed Orders shall not be filed or submitted with a motion, unless requested by the Court.

B. When a ruling is made or opinion rendered, an order or judgment in conformity therewith shall be attested by counsel for all parties thereto as in conformity to the ruling or opinion, and shall be presented to the Court. If the party against whom the order or judgment is to be entered is not represented by counsel, or represented by counsel who declines to attest the order or judgment, such fact shall be endorsed thereon.

C. When signed by the Judge, the order or judgment shall be delivered to the Clerk for entry. Counsel preparing the order or judgment shall also deliver to the Clerk a sufficient number of copies together with properly addressed stamped envelopes to permit the Clerk to complete service thereof when required by CR 77.04. Counsel may waive service of any order or judgment, and notice of entry.

D. If the Court requests counsel to submit an order or judgment, the same shall be submitted with a cover letter from counsel clarifying the basis for the submitted order or judgment. For example, if an order or judgment has been requested by the Court and is being submitted to conform to a ruling the Court has made, then the cover letter shall so specify. If, however, an order or judgment has been requested by the Court and is being submitted as a PROPOSED order or judgment, then the cover letter shall so specify.

E. In no event shall a tendered or proposed order or judgment contain the letterhead of a law firm on the judgment or order.

RULE 12. DEFAULT JUDGMENTS

A. A party seeking a judgment by default under CR 55.01 shall file a written motion therefore. The motion should certify that the opposing party has been served with process and has served no papers upon the moving attorney. The motion should also state whether the opposing party is in the military service.

B. The motion need not appear on the motion docket and no notice need be given the party against whom judgment by default is sought. The party seeking the default judgment shall cause the entire record in the case, the motion, and a proposed judgment to be placed in the appropriate division's orders/judgment basket in the Clerk's office.

RULE 13. MOTIONS, PLEADINGS, AND BRIEFS

A. CR 5.05 requires that "the filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court..." CR 11 requires an attorney or a party representing himself or herself pro se to sign all pleadings, motions, and other such documents presented to the Circuit Court Clerk.

To better comply with the spirit and meaning of CR 5.05 and CR 11, and other related Kentucky Rules of Civil Procedure, the Court fully incorporates into these Local Rules of Practice and Procedure, the General Order issued March 15, 2011, regarding "Original Drafts Of Pleadings." Pursuant to this General Order:

- (1) The Circuit Court Clerk is to file only original drafts of pleadings;
- (2) Any facsimile transmissions, electronic submissions, or xerox copies of originals shall not constitute originals, and therefore shall not be accepted and filed unless otherwise permitted by a sitting Circuit Judge of the 27th Judicial Circuit;
- (3) Only one original draft shall be file-stamped and placed in the official record of the Circuit Court Clerk; and
- (4) Local Rule R27JC 10.A.(1) requires that motions be filed with the Clerk at least five (5) days before the time specified for the hearing. Any motions not filed in compliance therewith shall not be docketed for hearing.

B. All motions, pleadings, and orders shall be typewritten or electronically printed, on 16 pound or heavier, white, opaque, unglazed paper, 8 ½ by 11 inches. Orders shall not contain the letterhead of counsel in any margin. All motions, pleadings, and orders shall be double spaced, except legal descriptions of real property. All motions pleading, and orders shall be written with type never smaller than pica, and larger type is preferable, especially in briefs.

C. Unless otherwise permitted by order of the Court, the movant's brief or memorandum and the respondent's brief or memorandum shall be limited to 25 pages each. Reply briefs or memoranda shall be limited to 5 pages each.

D. Legal briefs shall be filed of record in the Clerk's office. Copies of cases cited therein shall NOT be filed, but shall be placed in the Judge's basket along with a copy of the legal brief.

E. If a copy of any pleading is filed with the Clerk that is intended to be a copy for the court to review, the front page of the pleading shall be stamped "COURT COPY" or "JUDGE'S COPY."

RULE 14. ANSWERING AND FILING INTERROGATORIES OR REQUESTS

A. Interrogatories propounded under CR 33 and answers thereto, requests for production or inspection under CR 34 and answers thereto, and requests for admissions under CR 36 and answers thereto shall **NOT** be filed with the Court except as provided in CR 5.06 or upon order of the Court.

B. When answering interrogatories or requests for admission, the replying party shall, as a part of his answer, set forth immediately preceding the answer the question or the request made with respect to which such answer is given whether or not the interrogatories or requests are to be filed with the Court.

RULE 15. MEDIA PROTOCOL

A. Unless otherwise ordered by the Court, verified members of the news media are permitted to have and to use video and audio recording equipment in the courtroom. Photography is also permitted. This Rule and the subsequent Rules in this section are subject to the sole discretion of the presiding trial judge.

B. At all times when in the courtroom and on or about the courthouse premises, the news media are to use all efforts to avoid disruption of the court proceedings.

C. No video lighting or flash photography is permitted in the courtroom. No video or photography is ever permitted of the jury, any witness, party or victim who is under the age of eighteen (18), nor of any witness or victim who alleges to be the victim of sexual abuse or sexual assault.

D. No live feed reporting is ever permitted from either the courtroom or the corridor outside the courtroom. No live reporting, posting, or tweeting is permitted from the courtroom or its corridor by any person, media, or otherwise, on any news outlet or social media outlet.

RULE 16. PROCEDURE ON RULES FOR CONTEMPT

A. To obtain a show cause order in proceedings for contempt, a party should file a motion supported by an affidavit showing the party is entitled to the Order.

B. An order may be issued ex parte which shall not come on for hearing sooner than five (5) days from the date it is served unless otherwise ordered by the Court.

C. No order shall come on for hearing unless it has been served on the person named in the order by an officer authorized to serve a summons. The order shall contain a short statement of the grounds for its issuance and the following statement: "IF YOU FAIL TO APPEAR AT THE HEARING A WARRANT FOR YOUR ARREST WILL ISSUE."

RULE 17. DISMISSAL OF ACTION FOR FAILURE TO PROSECUTE

When any action has remained on the Civil Docket for one year without any step being taken indicating an intention to prosecute said action, the action may be dismissed for want of prosecution on motion of either party or on the Court's own motion.

RULE 18. RESERVED FOR FUTURE RULES

RULE 19. RESERVED FOR FUTURE RULES

RULE 20. MEDIATION

A. CASES FOR MEDIATION

A judge may refer any civil or criminal case to mediation except a habeas corpus case or an election contest.

B. REFERRAL TO MEDIATION

(1) The judge may, by appropriate order, refer a case to mediation by a court approved mediator with consent of the parties.

(2) Any party may move for an order disqualifying a particular mediator for good cause. If the Court rules that a mediator is disqualified, an order shall be entered naming a qualified replacement. Mediators may disqualify themselves or refuse any assignment. The time for mediation shall be tolled during any period in which a motion to disqualify is pending.

(3) Referral to mediation shall not operate to stay discovery unless otherwise ordered by the Court or agreed to in writing by the parties.

C. MEDIATION CONFERENCES

(1) The parties shall, within five (5) days from entry of the order, contact the mediator to schedule a mediation conference. The mediation conference shall be held within thirty (30) days from entry of the order.

(2) The parties shall attend the mediation conference(s). Counsel shall also be present. The conference shall be conducted by the mediator to consider the possibility of settlement, the simplification of the issues, and any other matters which the mediator and the parties determine may aid in the handling or the disposition of the proceedings.

(3) The mediator may schedule such sessions as are necessary to complete the process, and mediation shall continue until the parties have reached a settlement, until they are unwilling to proceed further, or until the mediator determines that further efforts would be futile.

(4) If a party fails to appear at a duly noticed mediation conference without good cause, the Court upon motion shall impose sanctions, which may include an award of attorney fees and other costs against the party failing to appear.

(5) If a party to mediation is a public entity, that party shall be deemed to appear at a mediation conference by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision-making body of the entity. In all other cases, unless stipulated by the parties, a party is deemed to appear at a mediation conference if the following persons are physically present:

a. The party or a representative other than the party's counsel of record having full authority to settle without further consultation; and

b. A representative of the insurance carrier for any insured party who is not such a carrier's outside counsel and who has full authority to settle without further consultation.

(6) The mediator may request that the parties bring documents or witnesses, including expert witnesses, to the sessions, but has no authority to order such production.

D. CONFIDENTIALITY

(1) Except as otherwise provided by this rule or ordered by the Court for good cause shown, all mediation documents and mediation communications are confidential and shall not be disclosed. They are not subject to disclosure through discovery or any other process, and are not admissible into evidence in any judicial or administrative proceeding.

(2) No part of the mediation proceedings shall be considered a public record.

(3) There is no confidentiality and no restriction on disclosure under this rule to the extent that:

a. All parties consent in writing to disclosure; or

b. The mediation communication or mediation document gives the mediator knowledge of or reasonable cause to suspect that a child or a spouse has been abused or a child has been neglected; or

c. The mediation communications were made in furtherance of the commission of a crime or fraud or as part of a plan to commit a crime or fraud.

(4) Nothing in this rule shall be construed so as to permit an individual to obtain immunity from prosecution for criminal conduct.

E. REPORTING TO THE COURT

(1) The mediator shall notify the Court promptly when a case is not accepted for mediation.

(2) At any time after a case has been accepted, the mediator may refer it back to the Court for good cause, which shall be in writing.

(3) If a case is settled prior to or during mediation, an attorney for one of the parties shall prepare and submit to the Court an order reflecting the fact of settlement as in any other case.

(4) If some but not all of the issues in the case are settled during mediation or if agreements are reached to limit discovery or on any other matter, the parties shall submit a joint statement to the Court enumerating the issues that have been resolved and the issues that remain for trial. This statement shall be submitted within 10 days of the termination of mediation. Unsettled cases shall then be returned to the Court's active docket.

(5) At the conclusion of cases accepted for mediation, the mediator will report to the Court the fact that the mediation process has ended. If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall report the lack of an agreement to the Court without comment or recommendation. With the consent of the parties, the mediator's report may also identify any pending motions, outstanding legal issues, discovery process or other action by any party which, if resolved or completed, would facilitate settlement.

RULE 21. DOMESTIC ACTIONS

Rule 21 is abolished due to the implementation of Family Court in the 27th Judicial Circuit. The Local Rules of the 27th Judicial Family Court Division should be referred to for practice in Family Court.

For any case transferred from Family Court to either of the regular judges in Division I or Division II, or for any case to which either of the judges in Division I or Division II have been assigned as special judge, please contact the appropriate judge's office for motion and hearing dates.

RULE 22. TRANSCRIPTS

Rules governing use of videotape recordation are promulgated by the Supreme Court of Kentucky. See Kentucky Rules of Civil Procedure, Rule 98.

RULE 23. JUDICIAL SALES

A. MASTER COMMISSIONER APPROVAL

All judgments or orders directing the sale of property by the Master Commissioner, directing the disbursement of monies held by the Commissioner, or directing the delivery of a deed must, prior to submission thereof to the Court, be submitted along with the record to the Commissioner for certification that the same complies with all applicable statutes and rules. The Commissioner shall then deliver the judgment or order to the Court for approval and entry.

B. DEPOSIT FOR ADVERTISEMENT AND APPRAISAL

(1) When any order is submitted to the Commissioner requiring advertisement or appraisal, the party submitting the order shall deposit with the Commissioner an amount sufficient to pay the

estimated costs of the proposed advertisement and/or appraisal. Until such deposit is made, the Commissioner shall not submit the order to the Court nor cause advertisement or appraisal to be made.

(2) When more than one sale is set for the same date, the commissioner may advertise all such sales in one advertisement with the required information applicable to each action and sale appearing therein. The total costs of advertising shall be apportioned among each of the various cases to which the advertisement applies.

C. ORDERS OF SALE AND/OR DELIVERY OF DEED

Every order or judgment of this Court directing the commissioner to sell property or to execute or deliver a deed shall contain:

- (1) the legal description of the property including a street address (or if it has no street address, a brief identification of its location and size);
- (2) the name of the party or parties whose interest is being sold or conveyed; and
- (3) the source of the party's or parties' title.

D. TERMS AND CONDITIONS OF SALE

Unless otherwise ordered, all judicial sales shall be conducted by the Laurel Commissioner or Deputy Commissioner at 1:00 p. m. (local time) at the Laurel County Judicial Center in Court Room 201. All judicial sales shall be conducted by the Knox Commissioner or Deputy Commissioner on the front steps of the Knox County Courthouse, at a time so designated by the Commissioner or Deputy Commissioner.

(1) Before conducting a sale, the Master Commissioner shall advertise in a newspaper meeting the requirements of KRS 424.120, the time, terms, and place of sale, together with a description of the property to be sold. Said advertisement shall appear once a week for at least three consecutive weeks next preceding the date of sale.

(2) Before conducting a sale, if required by order or statute, the Master Commissioner shall have the property appraised by two intelligent, disinterested housekeepers of Laurel or Knox County, who are not related to any parties to the action. The Appraisers shall be sworn by the Master Commissioner before making such appraisals and they shall return their appraisals in writing to the Master Commissioner who shall file same as a part of the record.

(3) Unless otherwise ordered, the property shall be sold to the highest bidder upon the following terms and conditions:

- a. At the time of sale, the successful bidder shall either pay cash or make a deposit of 10% of the purchase price with the balance on credit for sixty (60) days. If the purchase price is not paid in full, the successful bidder shall be required to give bond with good

surety thereon for the unpaid purchase price. Said bond shall bear interest at the rate of twelve (12%) percent per annum from the date of sale until paid.

b. The purchaser shall be required to assume and pay all taxes or assessments upon the property for the current tax year and all subsequent years. All taxes or assessments upon the property for prior years, shall be paid from the sale proceeds if properly claimed, in writing and filed of record, by the purchaser prior to the payment of the purchase price.

c. The property shall otherwise be sold free and clear of any right, title, and interest of all parties to the action and all liens and encumbrances thereon, excepting easements and restrictions of record in the Laurel or Knox County Clerk's Office and such a right of redemption as may exist in favor of the United States of America or the defendant(s).

(4) A party who is the successful purchaser of the property may take credit against any judgment in that party's favor against the defendant property owner for the required deposit and purchase price to the extent that the sale price is sufficient to pay such judgment considering the priorities and amounts previously adjudicated in the action.

(5) The terms and conditions herein above set out may be adopted by reference to this rule in the order or judgment directing the sale, or shall be restated therein.

E. CONFIRMATION OF REPORT OF SALE

The Master Commissioner, after making the sale, shall report any actions to the Court by filing a Report of Sale and Cost of Sale. Ten (10) days after the filing of the report, if no objections have been filed thereto, and with motions, the sale shall be deemed confirmed and an order confirming the sale (with copies) shall be submitted to the Court. A copy of the order of confirmation shall be served upon the purchaser.

F. CANCELLATION OF SALE

In the event the property is withdrawn from sale, or if the defendant property owner files for relief in Bankruptcy, the sale shall be canceled and the Commissioner shall give notice of cancellation of the sale.

G. FEES OF THE COMMISSIONER

The Commissioner shall be entitled to those fees set forth in Part IV of the Administrative Procedures of the Court of Justice ("AP Part IV").

H. ORDERS OF DISTRIBUTION

(1) Orders requiring distribution of funds held by the Commissioner shall set forth all amounts collected, identify the proper recipients(s), and the specific amounts due each under the judgment or order.

(2) If disbursements are to be made to taxing authorities, a copy of the pertinent tax bill(s) must be furnished to the Commissioner.

(3) If all funds held by the Commissioner are distributed by the order requiring the distribution of funds and there are no further matters for determination by the Court, the order shall state that the matter is final and stricken from the Court's docket.

I. APPRAISER'S FEE

In all sales of real estate where an appraisal is required, the fee of each appraiser shall be reasonable as determined by the Commissioner. The fee shall be paid from the proceeds of sale.

RULE 24. HEARINGS BEFORE THE MASTER COMMISSIONER

A. An attested copy of the order referring the case to the Master Commissioner shall be delivered to the Master Commissioner.

B. The Master Commissioner shall promptly assign a date for pre-hearing conference and give written notice thereof. The Master Commissioner may charge and collect a fee in accordance with AP Part IV, Sections 4 and 16.

C. Any money paid into Court pursuant to CR 67.01 shall be paid to the Master Commissioner, who is authorized to charge a fee as follows, in accordance with AP Part IV (receiving and paying out money, or settling estates):

(1) 3 % of first \$2,000.00;

(2) 2 ½ % of the next \$3,000.00;

(3) 1 ½ % for any amount in excess of \$5,000.00, total fee not to exceed \$5,000.00.

RULE 25. REMOVAL OF RECORDS

No record in any civil or criminal action shall be removed from the Offices of the Clerks of the Laurel or Knox Circuit Courts without permission of the Court.

RULE 26. POST-TRIAL CONTACT WITH JURORS

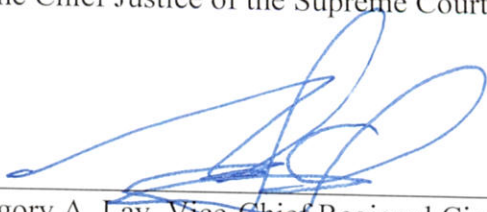
No party, attorney, or representative of any party or attorney, shall communicate with a member of a jury without leave of Court.

Court approval for the interviews of or communication with the jurors or alternate jurors after trial will be granted only upon proper showing of good cause and subject to such conditions as the Court shall prescribe.

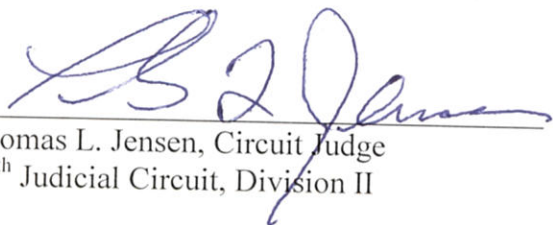
RULE 27. EFFECTIVE DATE

These rules are adopted pursuant to the authority granted by Rule 1.040(3) of the Rules of the Supreme Court and they shall apply with full force and effect to all actions filed or pending after May 1,

2013, and their promulgation by order of the Judges of the Laurel and Knox Circuit Courts and certification of the Chief Justice of the Supreme Court of Kentucky.



Gregory A. Lay, Vice-Chief Regional Circuit Judge
27th Judicial Circuit, Division I



Thomas L. Jensen, Circuit Judge
27th Judicial Circuit, Division II